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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,665	09/07/2006	Jan Bertus Marten Warntjes	PHNL040245US	8663
38107 7590 10/09/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER FETZNER, TIFFANY A	
			ART UNIT 2859	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/598,665

Applicant(s)

WARNTJES, JAN BERTUS  
MARTEN

Examiner

Tiffany A. Fetzner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/7/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement(s) (IDS)'s submitted on **9/7/2006** is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements. The initialed and dated information disclosure statement(s) (IDS)'s submitted on **9/7/2006** is attached to this Office action.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. With respect to **Claim 1, Gonzalez** teaches and shows "A method for generating magnetic resonance images using a magnetic resonance apparatus [See figure 2, abstract] the method comprising the steps: acquiring a reference scan," [See pre-scan S1 of figure 3] "providing the magnetic resonance apparatus with a target value of a specific scan parameter: [See steps S2 and S3 which are processing component S13 of Figure 3]," and determining, by the magnetic resonance apparatus and based on reference scan data, an optimum scan parameter set according to the target value of the specific scan parameter." [See figure 3 and 1 in combination with one another.]
5. With respect to **Claim 2, Gonzalez** teaches and shows "the reference scan data include sensitivity data for each coil element of the magnetic resonance apparatus for each voxel. [See paragraphs [0152]-[0162]

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6. With respect to **Claim 3, Gonzalez** shows "the optimum scan parameter set is determined for a defined region of interest" [See figures 2, 6, 1, 12a, 12b, 12c, 13a, 13b, 17].
7. With respect to **Claim 4, Gonzalez** teaches the specific scan parameter" may be "the scan time" because fast scanning of a subject is achieved in the **Gonzalez** method. [See paragraphs [0006], [0008] and [0009]].
8. With respect to **Claim 5, Gonzalez** teaches the specific scan parameter" may be "the signal-to-noise ratio" because he account for SNR see paragraphs [0053], [0078], [0119]..
9. With respect to **Claim 6, Gonzalez** shows "determining the image noise for a number of predetermined scan parameter sets" from the combination of figures 13a and 13b because fluctuations in the image data (i.e. noise) are taken into account for the image profiles.
10. With respect to **Claim 7, Gonzalez** teaches "different orientations of the phase encode direction." [See paragraphs [0049], [0050]]
11. With respect to **Claim 8, Gonzalez** shows "sets with different RFOV" [See figures 11, 12a, 12b, 12c].
12. With respect to **Claim 9, Gonzalez** teaches "automatically performing a scan using the determined optimum scan parameter set." [See the abstract, paragraphs [0016], [0036], [0113], [0114], [0115], [0118], [0123], [0151]].
13. With respect to **Claim 10, Gonzalez** teaches and shows "An apparatus for generating magnetic resonance images" [See figure 2] comprising: an acquisition device for acquiring a reference scan, an operating device for providing the apparatus with a target value of a specific scan parameter, and a control device for determining, based on reference scan data, an optimum scan parameter set according to the target value of the specific scan parameter." [See the citations of claim 1 above.]
14. With respect to **Claim 11, Gonzalez** teaches "A computer program for generating magnetic resonance images using a magnetic resonance apparatus comprising: computer instructions" [See paragraphs [0048] through [0127] with respect to the

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computer processing and hardware implementations and calculations] "to acquire a reference scan, computer instructions to provide the magnetic resonance apparatus with a target value of a specific scan parameter, computer instructions to determine, based on reference scan data, an optimum scan parameter set according to the target value of the specific scan parameter, when the computer program is executed in a computer" [See figures 2-18]

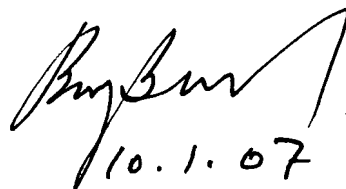
### Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is: (571) 272-2241. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached at (571) 272-2245. The **only official fax phone number** for the organization where this application or proceeding is assigned is **(571) 273-8300**.

17. Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAF  
October 1, 2007



10.1.07

**BRIJ SHRIVASTAV**  
**PRIMARY EXAMINER**